

Application No.: 10/081404

Case N .: 56206US002

**Remarks**

Claims 1, 3-30, 32 and 44-48 are presented for reconsideration. Claims 2, 31 and 33-43 have been cancelled without prejudice.

**§ 112 Rejections**

Claims 25, 26 and 27-30 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 25 and 27 are indefinite because of the phrase "the plurality of abrasive particles" lacks antecedent basis since a "plurality of abrasive particles" has not been literally defined before.

Claims 25 and 27 have been amended to delete the phrase "plurality of."

Claims 29 and 30 have been rejected as being indefinite because of the phrase "said abrasive particles having a specified nominal grade is selected from" because the phrase does not make sense.

Claim 29 has been amended to delete "abrasive particles have a." The claim now reads "wherein said specified nominal grade is selected from the group . . ."

Claims 26 and 28 were rejected as indefinite because they depend on an indefinite claim.

It is submitted that the amendment of the claims obviates the rejection under 35 USC § 112, second paragraph.

**Previous Rejections**

Claims 1, 12-14, 25, 27-30, 45 and 48 are rejected under 35 USC § 102(b) as being anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Amero for the same reason set forth in the previous office action which is incorporated herein by reference.

Claims 18-24, 26, 32, and 44-47 are rejected under 35 USC § 103(a) as being unpatentable over Amero in view of Monroe, et al. ('671) and Johnson, et al. ('067) for the same reason set forth in the previous office action which is incorporated herein by reference.

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Claims 1, 15, 16, 25, 27, 29, 30 and 32 have been amended. Claims 1, 15, 16, 25, 27 and 32 have been amended to delete "60.0" and substitute in its place "65.0." Basis for this amendment may be found in claim 2 which has been cancelled.

Since the previous rejections were not applied against claim 2, it is submitted that the present amendment obviates the rejection of claims 1, 12-14, 25, 27-30, 45 and 48 under 35 USC § 102(b) or, in the alternative, under 35 USC § 103(a) as obvious over Amero. It is further submitted that the rejection of claims 18-24, 26, 32, 44-47 under 35 USC § 103(a) is unpatentable over Amero in view of Monroe, et al. and Johnson, et al. has been obviated in view of the present amendment since this rejection was not applied against claim 2.

#### **New Rejection**

Claims 1-25, 27-30, 32 and 48 are rejected under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over EP 705 803.

This rejection was not applied against claims 44-47. Claim 1 now specifies that the abrasive article selected from the group consisting of coated abrasive articles, bonded abrasive articles, nonwoven abrasive articles and abrasive brushes.

It is submitted that these claims are allowable in view of the amendment. It is further submitted that the rejection of claim 32 which defines a coated abrasive article including a backing, a binder, and a plurality of abrasive particles is inappropriate since EP 705 803 fails to disclose a coated abrasive article.

EP 705 803 discloses methods of making orthodontic bracket material and a "grinding part material." (Title). There is no suggestion in this reference of utilizing a zirconia based sinter to make any type of coated abrasive product. While there is some suggestion in the examples of adding acrylate copolymer resin in an amount of 3% by weight to the surface of the abrasive particles to facilitate molding, the molded product is then sintered and all of the binder would be burned off.

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It is submitted that the claims are in condition for allowance and such action is accordingly, earnestly solicited.

Respectfully submitted,

1/6/04  
Date

By: Richard Francis  
Richard Francis, Reg. No.: 25,393  
Telephone No.: 733-7519

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833